

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

JOSE JESUS GUZMAN,

Petitioner,

V.

DOUGLAS DRETKE, Director,  
Texas Department of Criminal  
Justice, Institutional Division,

Respondent.

2:05-CV-0083

## REPORT AND RECOMMENDATION TO DISMISS PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner JOSE JESUS GUZMAN filed with the United States District Court for the Northern District of Texas, Amarillo Division, a Petition for a Writ of Habeas Corpus challenging the result of a December 31, 2004, disciplinary proceeding at the Texas Department of Criminal Justice Neal Unit in Amarillo, Texas. On May 23, 2005, the undersigned entered a Briefing Order to petitioner. On May 26, 2005, such order came back to the Clerk with the notation “released paro” (sic). An inquiry by the Court on June 16, 2005, to the Records Division of the Texas Department of Criminal Justice, Institutional Division, revealed petitioner was discharged from prison on May 9, 2005. Petitioner has not communicated with the Court since his release from custody and has failed to provide either the Clerk of the Court or the Court with a change of address giving notice of his current address.

THEREFORE, it is the opinion of the undersigned that this case is ripe for dismissal for failure to prosecute. Further, since petitioner was discharged on May 9, 2005, the issues raised in petitioner's application for writ of habeas corpus are moot.

RECOMMENDATION


It is the RECOMMENDATION of the United States Magistrate Judge to the United States District Judge that this case initiated by petitioner JOSE JESUS GUZMAN be DISMISSED for want of prosecution and as moot.

INSTRUCTIONS FOR SERVICE

The United States District Clerk is directed to send a file-marked copy of this Report and Recommendation to petitioner by the most efficient means available.

IT IS SO RECOMMENDED.

ENTERED this 16th day of June 2005.



CLINTON E. AVERITTE  
UNITED STATES MAGISTRATE JUDGE

**\* NOTICE OF RIGHT TO OBJECT \***

Any party may object to these proposed findings, conclusions and recommendation. In the event a party wishes to object, they are hereby NOTIFIED that the deadline for filing objections is eleven (11) days from the date of filing as indicated by the file mark on the first page of this recommendation. Service is complete upon mailing, Fed. R. Civ. P. 5(b), and the parties are allowed a 3-day service by mail extension, Fed. R. Civ. P. 6(e). Therefore, any objections must be **filed on or before the fourteenth (14<sup>th</sup>) day after this recommendation is filed.** See 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b); R. 4(a)(1) of Miscellaneous Order No. 6, as authorized by Local Rule 3.1, Local Rules of the United States District Courts for the Northern District of Texas.

Any such objections shall be made in a written pleading entitled "Objections to the Report and Recommendation." Objecting parties shall file the written objections with the United States District Clerk and serve a copy of such objections on all other parties. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation contained in this report shall bar an aggrieved party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings, legal conclusions, and recommendation set forth by the Magistrate Judge in this report and accepted by the district court. See *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).